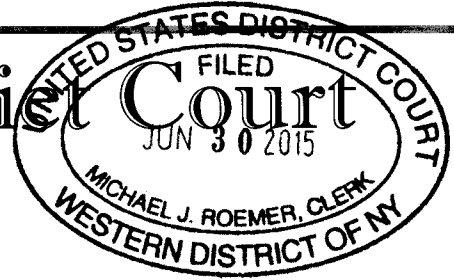


# United States District Court

for the  
Western District of New York



United States of America

v.

Case No. 15-MJ- 4116

FAYCAL TAOUZINET,

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between in or about May 31, 2015 through to on or about June 22, 2015, in the County of Monroe, in the Western District of New York, the defendant violated Title 18 U.S.C. §§ 2251(a) AND 2422(b), said offenses described as follows:

the defendant did knowingly employ, use and attempt to use, persuade, induce, entice or coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and knowing or having reason to know such visual depiction would be transported or transmitted in or affecting interstate commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2251(a) AND did knowingly entice and attempt to entice an individual who has not attained the age of 18 using a means and facility of interstate commerce, to engage in sexual activity for which a person can be charged with a criminal offense, all in violation of Title 18, United States Code, Section 2422(b).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

Brian Tucker, Task Force Officer  
Federal Bureau of Investigation

*Printed name and title*

Sworn to before me and signed in my presence.

Date: June 30, 2015

*Judge's signature*

City and State: Rochester, New York

HONORABLE MARIAN W. PAYSON  
UNITED STATES MAGISTRATE JUDGE

*Printed name and title*

15-mj-4116

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss:  
CITY OF ROCHESTER )

I, Brian Tucker, having been first duly sworn, do hereby depose and state as follows:

1. I am a Task Force Officer of the Federal Bureau of Investigation. I have been so employed for the past four years. I have also been employed by the Rochester Police Department for the past 30 years, 26 of those as an investigator. I am currently assigned to investigations involving crimes against children, as well as other criminal investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that FAYCAL TAOUZINET, born xx/xx/1988, did knowingly entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and had reason to know that such visual depiction would be transported in and affecting interstate or foreign commerce, in violation of Title 18, United States Code, Section 2251(a), and did knowingly, using a facility or means of interstate or foreign commerce, entice and attempt to entice an individual who has not attained the age of 18 to engage in sexual activity for which a person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

3. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers, witnesses, a recorded admission made by TAOUZINET after waiving his constitutional rights and the review of documents and records. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that FAYCAL TAOUZINET did knowingly violate Title 18, United States Code, Section 2251(a), and Title 18, United States Code, Section 2422(b).

4. On June 3, 2015, Cooperating Witness #1 (CW1), the mother of Cooperating Witness #2 (CW2), reported to the Rochester Police Department (RPD), that men had been communicating via text messages with CW2. One of the men was identified as FAYCAL TAOUZINET. The information provided at the time was that TAOUZINET had communicated with CW2 about having sex and had in fact met with her over the previous evening, where the two engaged in sexual intercourse. CW1 told Officer Wayne Johnson that CW2 told her they had engaged in sex. CW1 also stated that CW2's phone still contained texts about meeting for sex. CW1 also explained that CW2 is only 13 years old and was born on XX/XX/02. CW1 also indicated that TAOUZINET was a clerk at the corner store located at 524 Upper Falls Blvd. CW1 also said that last year TAOUZINET tried to talk to CW2 and asked CW1 how old CW2 was. CW1 told TAOUZINET that CW2 was twelve years old.

5. On June 8, 2015, Your Affiant met with CW1 and obtained CW2's phone and permission from CW1 to examine the phone and use said phone to develop evidence of possible criminal activity. At this meeting, Your Affiant learned the identity of the other individual (not TAOUZINET) CW1 alleged had been communicating with her daughter. According to CW1, CW2 admitted to having engaged in sexual intercourse with both TAOUZINET and this other man. CW2 would later confirm to Your Affiant regarding her communications and interactions with both TAOUZINET and this other individual.

6. On June 15, 2015, while Your Affiant was reviewing the text messages, additional messages, with no content, were accidentally sent to someone listed as "Babiie" using an app called Pinger. The number associated with that name on that account was 585-764-6679 (work). This was later confirmed to be the account of TAOUZINET. At 11:48 a.m. TAOUZINET responded, "Hi". Your Affiant began to engage the TAOUZINET in chat. The chat led to talk of CW2 being grounded for naked photos of her that were exposed on Facebook. TAOUZINET texted, "You said you did not have a Facebook, and why do you have naked pic on facebook?". Then TAOUZINET texted, "Let me see the pic hi posted baby I wanna see". TAOUZINET also texted, "Send me the best picture of your body baby I really miss you". "Surprise me with somrhing really nice". Your Affiant responded, "Rather give u mybody again but u want me dressed or dirty pics of my pussy?" TAOUZINET texted, "I want both and I want you all for me". At 1:01 p.m. TAOUZINET texted, "I will take off your clothes and I will Mike love to you just the way you like it". TAOUZINET wanted to do it that day, but was told it would have to be Friday.

7. On June 18, 2015, Your Affiant picked up CW2 from her home along with her mother for an interview. RPD Inv. MacKenzie met us at the location. CW2 was interviewed and Your Affiant and Inv. MacKenzie witnessed the interview. CW2 disclosed a sexual encounter with a male she only knew as "DJ". "DJ" has since been identified as TAOUZINET. CW2 confirmed the date of the sexual encounter. As part of the meeting and interview CW2 went to her phone and showed your Affiant a photo of "DJ" that was a screen saver on her phone. Your Affiant took a photo of the screen saver. CW2 also confirmed that the person on her phone under the app Pinger, named "Babiie", was "DJ".

8. During the interview with CW1, on this date, your Affiant advised CW1 that TAOUZINET had been communicating with your Affiant and CW1 again gave permission for your Affiant to assume the identity of her daughter, CW2, so that I could communicate with TAOUZINET. CW1 also indicated that for the past three years she has shopped at the store where TAOUZINET works and has chatted with him on many occasions. CW1 said she has provided TAOUZINET with the age of CW1 as well as the ages of both of her children, which includes CW2.

9. Your Affiant later engaged in additional communication with TAOUZINET which resulted in his agreeing to come to CW2's home on June 19, 2015, to meet for sex. On June 19, 2015, TAOUZINET indicated he was working and the date was moved to Monday June 22, 2015.

10. A hands-on review of CW2's phone uncovered addition text messages between TAOUZINET and CW2 that took place prior to the original meeting between them on June 2, 2015. On May 31, 2015, CW2 sent 5 pornographic photos of adults performing sexual acts to TAOUZINET. TAOUZINET texted, "We going to do all this baby, anything you like I will do it my love, and right now just thinking of this position doing them with you I'm getting really hard lol". CW2 texted, "Mm baby I'm so wet just thinking about it". TAOUZINET texted, "But baby don't worry I will be with you tomorrow and you will love everything we going to do my love". On June 1, 2015, TAOUZINET texted, "So how many times we going to do it tomorrow my love". TAOUZINET also texted, "Baby Don't forget to send me your sexy pic in the morning for I go hard to New York ok". On June 2, 2015, TAOUZINET texted, "Ahh ok my love, send me some of your sexy pic my love I miss you". TAOUZINET wanted CW2 to shave and CW2 did not want to. TAOUZINET texts, "it's ok no problem, I will mike love to you just the way you want me baby, you're my sexy princess and I love you". CW2 talks about taking a shower and TAOUZINET texts, "Shave it and send me a pic for I see". A short time later CW2 sends TAOUZINET a photo showing her vagina. TAOUZINET complains that he can't see it good then texts, "I love you and I will save that pic in my heart baby I promise". CW2 texts, "U going in bare/raw or with a condom?". TAOUZINET texts, "How aver you like it". CW2 says, "You can't cum inside me I got no birth control". TAOUZINET says, "Why not baby". On June 2, 2015, at 9:18 p.m. TAOUZINET texts, "Baby what time your mom come" "I'm here". At 9:49 p.m. CW2 texts I miss u already" and TAOUZINET says, "I miss you too sexy". CW2 is

upset and TAOUZINET texts at 10:13 p.m., “Baby stop, I miss you it’s just the first day sexy y, you will have more of me soon my love”.

11. On June 22, 2015, TAOUZINET was expected to meet at 9:00 a.m. at the home of CW2, but morning texts by your Affiant went unanswered and TAOUZINET failed to show up. Later that day TAOUZINET texted and wanted to meet. Several texts took place before he arrived. TAOUZINET was observed by Inv. MacKenzie at the home of CW2. Uniformed officers stopped TAOUZINET on Hudson Avenue, City of Rochester, New York as he left the area. At that point your Affiant placed a call to the number 764-6679 and TAOUZINET’s phone rang showing a RPD number.


12. TAOUZINET was advised of his rights, which he waived and he was interviewed by Inv. MacKenzie and your Affiant. Said interview was recorded using a portable digital recorder. During the interview TAOUZINET admitted to being called “DJ” also to knowing CW2 was young, but claimed he thought she was 17. TAOUZINET denied knowing CW2’s mother or that the mother had told him CW2’s true age. TAOUZINET also admitted to receiving and asking for pictures from CW2 and to engaging in sex with her at her home around the date in question. TAOUZINET also admitted to communication with her via text messages to meet.

13. The phone that CW2 was using is a Verizon LG Model LG-VS415PP with a S/N of 501CQJZ0956532 which was made in China.

14. The phone used by TAOUZINET is an AT&T HTC model OPFH100 with S/N FA4BBY803992 which was made in Taiwan.

15. It is a criminal offense, for which a person can be charged in the State of New York, to attempt to cause a thirteen year old child to produce sexually explicit pictures of themselves over the internet, and to entice a child to meet for the purpose of having sexual relations and it is a crime to have sex with a person under the age of 17 in New York State.

Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that FAYCAL TAOUZINET has violated Title 18, United States Code, Section 2251(a), knowingly enticing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and had reason to know that such visual depiction would be transported or transmitted in and affecting interstate or foreign commerce using a means or facility of interstate or foreign commerce; and Title 18, United States Code, Section 2422(b), knowingly enticing and attempting to entice an individual who has not attained the age of 18, using a means and facility of interstate commerce, to engage in sexual activity for which a person can be charged with a criminal offense.

  
Brian Tucker  
Task Force Officer  
Federal Bureau of Investigation

Sworn to before me this  
30 day of June, 2015.

  
HONORABLE MARIAN W. PAYSON  
United States Magistrate Judge